

### § 324. Consent of certain tribes; consent of individual Indians

No grant of a right-of-way over and across any lands belonging to a tribe organized under the Act of June 18, 1934 (48 Stat. 984), as amended [25 U.S.C. 461 et seq.]; the Act of May 1, 1936 (49 Stat. 1250) [25 U.S.C. 473a, 496]; or the Act of June 26, 1936 (49 Stat. 1967) [25 U.S.C. 501 et seq.], shall be made without the consent of the proper tribal officials. Rights-of-way over and across lands of individual Indians may be granted without the consent of the individual Indian owners if (1) the land is owned by more than one person, and the owners or owner of a majority of the interests therein consent to the grant; (2) the whereabouts of the owner of the land or an interest therein are unknown, and the owners or owner of any interests therein whose whereabouts are known, or a majority thereof, consent to the grant; (3) the heirs or devisees of a deceased owner of the land or an interest therein have not been determined, and the Secretary of the Interior finds that the grant will cause no substantial injury to the land or any owner thereof; or (4) the owners of interests in the land are so numerous that the Secretary finds it would be impracticable to obtain their consent, and also finds that the grant will cause no substantial injury to the land or any owner thereof. (Feb. 5, 1948, ch. 45, § 2, 62 Stat. 18.)

#### REFERENCES IN TEXT

Act of June 18, 1934, referred to in text, popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§ 461 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

Section 496 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

Act of June 26, 1936, referred to in text, popularly known as the Oklahoma Welfare Act, is classified generally to subchapter VIII (§ 501 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 501 of this title and Tables.

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior relating to compliance with rights-of-way across Indian lands, issued under section 321 et seq. of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, set out in the Appendix to Title 5, Government Organization and Employees, effective July 1, 1979, pursuant to Ex. Ord. No. 12142, § 1-101, June 21, 1979, 44 F.R. 36927, set out as a note under section 719e of Title 15, Commerce and Trade. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 322, 326, 327, 328, 1724 of this title; title 43 section 421c.

### § 325. Payment and disposition of compensation

No grant of a right-of-way shall be made without the payment of such compensation as the Secretary of the Interior shall determine to be just. The compensation received on behalf of the Indian owners shall be disposed of under rules and regulations to be prescribed by the Secretary of the Interior.

(Feb. 5, 1948, ch. 45, § 3, 62 Stat. 18.)

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior relating to compliance with rights-of-way across Indian lands, issued under section 321 et seq. of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, set out in the Appendix to Title 5, Government Organization and Employees, effective July 1, 1979, pursuant to Ex. Ord. No. 12142, § 1-101, June 21, 1979, 44 F.R. 36927, set out as a note under section 719e of Title 15, Commerce and Trade. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 322, 326, 327, 328, 1724 of this title; title 43 section 421c.

### § 326. Laws unaffected

Sections 323 to 328 of this title shall not in any manner amend or repeal the provisions of the Federal Water Power Act of June 10, 1920 (41 Stat. 1063), as amended by the Act of August 26, 1935 (49 Stat. 838) [16 U.S.C. 791a et seq.], nor shall any existing statutory authority empowering the Secretary of the Interior to grant rights-of-way over Indian lands be repealed.

(Feb. 5, 1948, ch. 45, § 4, 62 Stat. 18.)

#### REFERENCES IN TEXT

The Federal Water Power Act, referred to in text, is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, now known as the Federal Power Act, which is classified generally to chapter 12 (§ 791a et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Tables.

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior relating to compliance with rights-of-way across Indian lands, issued under section 321 et seq. of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, set out in the Appendix to Title 5, Government Organization and Employees, effective July 1, 1979, pursuant to Ex. Ord. No. 12142, § 1-101, June 21, 1979, 44 F.R. 36927, set out as a note under section 719e of Title 15, Commerce and Trade. Office of Federal In-

spector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 322, 327, 328, 1724 of this title; title 43 section 421c.

### § 327. Application for grant by department or agency

Rights-of-way for the use of the United States may be granted under sections 323 to 328 of this title upon application by the department or agency having jurisdiction over the activity for which the right-of-way is to be used.

(Feb. 5, 1948, ch. 45, § 5, 62 Stat. 18.)

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior relating to compliance with rights-of-way across Indian lands, issued under section 321 et seq. of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, set out in the Appendix to Title 5, Government Organization and Employees, effective July 1, 1979, pursuant to Ex. Ord. No. 12142, §1-101, June 21, 1979, 44 F.R. 36927, set out as a note under section 719e of Title 15, Commerce and Trade. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 322, 326, 328, 1724 of this title; title 43 section 421c.

### § 328. Rules and regulations

The Secretary of the Interior is authorized to prescribe any necessary regulations for the purpose of administering the provisions of sections 323 to 328 of this title.

(Feb. 5, 1948, ch. 45, § 6, 62 Stat. 18.)

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior relating to compliance with rights-of-way across Indian lands, issued under section 321 et seq. of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, set out in the Appendix to Title 5, Government Organization and Employees, effective July 1, 1979, pursuant to Ex. Ord. No. 12142, §1-101, June 21, 1979, 44 F.R. 36927, set out as a note under section 719e of Title 15, Commerce and Trade. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section

3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15.

#### SECTION REFERRED TO IN OTHER SECTIONS

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## CHAPTER 9—ALLOTMENT OF INDIAN LANDS

#### Sec.

- 331 to 333. Repealed.
- 334. Allotments to Indians not residing on reservations.
- 335. Extension of provisions as to allotments.
- 336. Allotments to Indians making settlement.
- 337. Allotments in national forests.
- 337a, 338. Repealed.
- 339. Tribes excepted from certain provisions.
- 340. Extension of certain provisions.
- 341. Power to grant rights-of-way not affected.
- 342. Removal of Southern Utes to new reservation.
- 343. Correction of errors in allotments and patents.
- 344. Cancellation of allotment of unsuitable land.
- 344a. Repealed.
- 345. Actions for allotments.
- 346. Proceedings in actions for allotments.
- 347. Limitations of actions for lands patented in severalty under treaties.
- 348. Patents to be held in trust; descent and partition.
- 348a. Extension of trust period for Indians of Klamath River Reservation.
- 349. Patents in fee to allottees.
- 350. Surrender of patent, and selection of other land.
- 351. Patents with restrictions for lots in villages in Washington.
- 352. Cancellation of trust patents within power or reservoir sites.
- 352a. Cancellation of patents in fee simple for allotments held in trust.
- 352b. Partial cancellation; issuance of new trust patents.
- 352c. Reimbursement of allottees or heirs for taxes paid on lands patented in fee before end of trust.
- 353. Sections inapplicable to certain tribes.
- 354. Lands not liable for debts prior to final patent.
- 355. Laws applicable to lands of full-blooded members of Five Civilized Tribes.
- 356. Allowance of undisputed claims of restricted allottees of Five Civilized Tribes.
- 357. Condemnation of lands under laws of States.
- 358. Repeal of statutory provisions relating to survey, classification, and allotments which provide for repayment out of Indian monies.

### § 331. Repealed. Pub. L. 106-462, title I, § 106(a)(1), Nov. 7, 2000, 114 Stat. 2007

Section, acts Feb. 8, 1887, ch. 119, § 1, 24 Stat. 388; Feb. 28, 1891, ch. 383, § 1, 26 Stat. 794; June 25, 1910, ch. 431, § 17, 36 Stat. 859, related to allotments of irrigable and nonirrigable land on reservations.

#### CODIFICATION

Section was based on section 1 of act Feb. 8, 1887, as amended generally by section 1 of act Feb. 28, 1891, which was amended generally, by act June 25, 1910. The amendment by act June 25, 1910, to section 1 of act Feb. 28, 1891, was treated as an amendment to section 1 of act Feb. 8, 1887, to reflect the probable intent of Congress, and this section was based on the text of section 1 of act Feb. 28, 1891, as so amended. The repeal by Pub. L. 106-462 of section 1 of act Feb. 8, 1887, was executed